

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6000

In Re: NICHOLAS J. QUEEN, SR.,

Petitioner.

On Petition for Writ of Mandamus. (CR-93-366-WMN)

Submitted: March 19, 2004

Decided: April 26, 2004

Before MOTZ, MICHAEL, and TRAXLER, Circuit Judges.

Petition dismissed by unpublished per curiam opinion.

Nicholas J. Queen, Sr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Nicholas J. Queen, Sr., has filed a petition for a writ of mandamus seeking an order from this court vacating an allegedly illegal conviction and sentence. Mandamus is a drastic remedy to be used only in extraordinary circumstances. Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). "[C]ourts are extremely reluctant to grant a writ of mandamus." In re Ford Motor Co., 751 F.2d 274, 275 (8th Cir. 1984). In seeking mandamus relief, Queen carries the heavy burden of showing that he has no other adequate means to attain the relief sought and that his right to such relief is clear and indisputable. In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). We find that Queen has failed to meet this burden and thus we dismiss the petition. We deny Queen's motion to proceed in forma pauperis and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DISMISSED